

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2013020680

ORDER GRANTING IN PART  
REQUEST FOR RECONSIDERATION  
AND SCHEDULING PREHEARING  
CONFERENCE AND HEARING

On April 2, 2013, the parties submitted a joint request for continuance of the prehearing conference, scheduled for April 8, 2013, and hearing, scheduled for April 16, 2013. The parties requested that the prehearing conference be moved to May 15, 2013, and the hearing to May 28 to 30 and June 4 and 5, 2013.

On April 3, 2013, the undersigned administrative law judge issued an order granting the parties' joint request for a continuance and granting in part the parties' requested dates. The prehearing conference was continued to May 15 2013, and the hearing was continued to June 4 and 5, 2013. On April 4, 2013, the parties submitted a joint request to extend due process hearing dates, which is treated as a motion to reconsider the order of April 3, 2013.

APPLICABLE LAW

The Office of Administrative Hearings (OAH) will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION AND ORDER

The parties state that five days are needed for hearing based on the number of witnesses. The parties claim that the witnesses from nonpublic schools are not available during the summer, from June 6, 2013, until September 2013. As a result, the parties are requesting that the hearing be schedule for May 28 through 30, 2013, in addition to the current dates. No declarations were submitted in support of this request.

While there is no showing of new or different facts, circumstances or law supporting reconsideration, equitable considerations support granting the request for reconsideration.

As with every case, OAH assigned dates for mediation, prehearing conference and hearing in this matter to ensure that the matter is heard and decided within the statutory time frame. OAH permits parties to stipulate to a continuance of the initial dates in recognition of the fact that they are selected solely to comply with the law and without consultation with the parties. Unless operational needs dictate otherwise, OAH generally grants an initial joint continuance and sets the dates requested by the parties. However, the demands of the calendar do not always permit this. In this case, the parties are requesting the hearing be moved to the week of the Memorial Day holiday. Because of the holiday, OAH's calendar is significantly compacted. In addition, as is true for the parties in this matter, many parties are trying to get matters heard before the summer recess.

OAH is unable to schedule this matter for hearing on May 28 and 29, 2013, because the calendar is already extremely heavy. However, in consideration of the need for additional hearing days, this hearing will be scheduled for May 30 and June 3 through June 6, 2013. Ordinarily, OAH schedules matters on consecutive days. However, in an effort to accommodate the parties' request, this matter will be allowed to begin on May 30 and continue into the following week.

#### ORDER

1. The joint request for reconsideration is granted.
2. The matter is scheduled as follows:

Prehearing Conference	May 15, 2013, at 1:30 p.m.
Due Process Hearing	May 30, and June 3 through 6, 2013, beginning at 1:30 p.m. on June 3 and 9:30 a.m. on other days, and continuing day to day, Monday through Thursday, as needed at the ALJ's discretion

Dated: April 4, 2013

/s/

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JUDITH A. KOPEC  
Division Presiding Administrative Law Judge  
Office of Administrative Hearings